

Approved as Submitted: June 18, 2003

**CITY OF MORGAN HILL
SPECIAL CITY COUNCIL MEETING
MINUTES – JUNE 4, 2003**

CALL TO ORDER

Mayor Kennedy called the special meeting to order at 7:03 p.m.

ROLL CALL ATTENDANCE

Present: Council Members Carr, Chang, Sellers and Mayor Kennedy
Absent: Council Member Tate.

DECLARATION OF POSTING OF AGENDA

City Clerk Torrez certified that the meeting's agenda was duly noticed and posted in accordance with Government Code 54954.2.

Action: *The Council **deferred** this agenda to the conclusion of the Joint Special/Regular City Council and Special Redevelopment Agency meeting.*

RECONVENE

Mayor Kennedy reconvened the meeting at 10:58 p.m.

Action: *Mayor Pro Tempore Chang made a motion, seconded by Council Member Sellers, to **extend** the meeting to 11:30 p.m. The motion carried 4-0 with Council Member Tate absent.*

CONSENT CALANDER

1. APPROVAL OF LEASE OF PERCHLORATE REMOVAL PLANT TO BE INSTALLED AT THE TENNANT WELL SITE AND/OR THE NORDSTROM WELL SITE, PURSUANT TO EMERGENCY EXPENDITURE

Chuck Dell, representing Ionics, indicated that his firm was the low bidder in the efforts to do the project at Tennant for the Santa Clara Valley Water District. He stated that the sole reason the firm was not selected by the Water District was due to the concern that the DHS approval could not occur quickly enough. He said that he understands the action being taken for the Tennant well job. However, he noted that the agenda item, as listed, states Tennant and/or Nordstrom well. He stated that the firm's bid was 15% lower than the initial cost and that he understands that this is not being funded by the City. The firm was 52% lower on the annual recurring costs. If the Council is to be orchestrating the lease as the operator of the Tennant or Nordstrom site, he requested that there be an opportunity for Ionics to prove, that as low bidder, they can meet the DHS approval requirements for the Nordstrom site. He said that the Water District's wording of the lease, if adopted by the City, does not preclude the

future recurring activities and maintenance costs of the site being put up for bid. He did not want the City to be locked into one specific supplier as it could take decades to resolve a perchlorate issue.

Mayor Kennedy inquired when Ionics expects to have the facility certified by the State.

Mr. Dell responded that it is not the facility that is certified but the treatment methodology that is certified. He said that the media being used is a commodity and not specific to a vendor. He indicated that vendors do not make the media that removes the perchlorate but that it is a service function.

Mayor Kennedy indicated that the Council has listened to Mr. Dell's concerns and that they would be taken into consideration.

City Manager Tewes inquired how quickly Ionics can be permitted and operational for other sites other than the Tennant Avenue site.

Mr. Dell responded that it was his belief that Ionics could be permitted and operational within a month. He indicated that the Water District's concern was that DHS has the legislative ability to wait 90-days to issue an approval. He stated that DHS has to approve the potable treatment, noting that it is the City's permit that is being amended. The City is amending the permit of the Water District to accept the bid and that they are funding the project.

No further comments were offered.

Action: *This item was deferred to the conclusion of closed sessions as listed in the Special/Regular City Council and Special Redevelopment Agency meeting.*

2. REIMBURSEMENT TO HARLEY DAVIDSON DEVELOPER FOR OFFSITE STORM DRAIN IMPROVEMENTS - MORGAN HILL AQUATICS COMPLEX

Mayor Kennedy opened the floor to public comment. No comments were offered.

Action: *On a motion By Council Member Sellers and seconded by Council Member Carr, the City Council, on a 4-0 vote with Council Member Tate absent, Authorized Reimbursement of \$25,863 for offsite storm drain improvements - Morgan Hill Aquatics Complex to Live Wire, LLC, Subject to approval of the City's Standard Reimbursement Agreement.*

ADJOURN TO CLOSED SESSION

Mayor Kennedy adjourned the meeting to Closed Session under the Joint Special/Regular City Council and Special Redevelopment Agency meeting at 11:08 p.m.

RECONVENE

Mayor/Chairman Kennedy reconvened the meeting at 12:15 a.m.

**1. APPROVAL OF LEASE OF PERCHLORATE REMOVAL PLANT TO BE
INSTALLED AT THE TENNANT WELL SITE AND/OR THE NORDSTROM
WELL SITE, PURSUANT TO EMERGENCY EXPENDITURE**

Action: *By consensus, the City Council **Authorized** the City Manager to execute documents as required with both the Santa Clara Valley Water District and US Filter, as needed, to provide for the lease of perchlorate removal plants at Tennant well and other wells as determined by the City Manager.*

ADJOURNMENT

There being no further business, Mayor/Chairman Kennedy adjourned the meeting at 12:16 a.m.

MINUTES RECORDED AND PREPARED BY:

IRMA TORREZ, CITY CLERK